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*Attorneys for Defendant Susan Corbo*

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**IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF UTAH**

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RAIN INTERNATIONAL, LLC., a Delaware  
limited liability company

Plaintiff,

vs.

CHRISTINA RAHM COOK *dba* MERCI  
DUPRE, LLC; PERSONALIZED  
HEALTHCARE SOLUTION, LLC *dba*  
BOOTHEEL LABS; SIMPLY  
WHOLEISTIC INC. *dba* ROOT, INC.;  
CLAYTON THOMAS *dba* ROOT  
WELLNESS; PREDICTED HEALTH  
VENTURES, LLC; SUSAN CORBO;  
INTERNATIONAL SEED NUTRITION  
SOCIETY, LLC; and DOES 1 through 5,

Defendants.

**NOTICE OF REMOVAL**

Civil No.: 2:20-cv-00537-JNP

Judge: Jill N. Parrish

Defendant Susan Corbo hereby files this Notice of Removal pursuant to 28 U.S.C.

§§ 1441(b), 1446, and 1332 *et seq.*, and in support thereof states as follows:

**I. BACKGROUND**

1. Plaintiff Rain International, LLC commenced this action on June 23, 2020 in the Fourth Judicial District Court, Salt Lake County, State of Utah, a court located within this District, with Case Number 200300081. *See* Complaint, attached hereto as Exhibit A.

2. Defendant Susan Corbo was served on June 30, 2020.

3. Susan Corbo is filing this Notice of Removal within 30 days of being served.

4. Removal is proper because diversity jurisdiction exists in this case pursuant to 28 U.S.C. § 1332.

5. Rain International, LLC is a Delaware company, with its principal place of business in Utah. *See* Exhibit A, ¶ 1. On information and belief, the sole member of Rain International, LLC is a Utah citizen. Rain International, LLC is a citizen of Utah within the meaning of 28 U.S.C. § 1332.

6. Christina Rahm Cook dba Merci Dupre, LLC resides in Tennessee. *See* Exhibit A, ¶ 2. Christina Rahm Cook is a citizen of Tennessee within the meaning of 28 U.S.C. § 1332.

7. Personalized Healthcare Solution, LLC dba Bootheel Labs is a Tennessee limited liability company and its principal place of business is in Brentwood, Tennessee. *See* Exhibit A, ¶ 3. Its sole member is Clayton Thomas who is a resident of Tennessee. *See* Consent to Removal, attached as Exhibit B, and Exhibit A, ¶ 5. Personalized Healthcare Solution, LLC dba Bootheel Labs is a citizen of Tennessee within the meaning of 28 U.S.C. § 1332.

8. Simply Wholeistic Inc. dba Root, Inc. is a Tennessee corporation whose office and principal place of business is Brentwood, Tennessee. *See* Exhibit A, ¶ 4. Simply Wholeistic Inc. dba Root, Inc. is a citizen of Tennessee within the meaning of 28 U.S.C. § 1332.

9. Clayton Thomas dba ROOT Wellness resides in Tennessee. *See* Exhibit A, ¶ 4. Clayton Thomas is a citizen of Tennessee within the meaning of 28 U.S.C. § 1332.

10. Susan Corbo resides in New York. *See* Exhibit A, ¶ 7. Susan Corbo is a citizen of New York within the meaning of 28 U.S.C. § 1332.

11. Predicted Health Ventures, LLC is a Wyoming limited liability company with its principal place of business in Brentwood, Tennessee. *See* Exhibit A, ¶ 6. Predicted Health Ventures, LLC's sole member is Christina Rahm Cook who is a Tennessee resident. *See* Consent to Removal, attached as Exhibit C, and Exhibit A, ¶¶ 2 and 6. Predicted Health Ventures, LLC is a citizen of Tennessee within the meaning of 28 U.S.C. § 1332.

12. International Seed Nutrition Society, LLC is a Missouri limited liability company with its principal place of business in Tennessee. *See* Exhibit A at ¶ 8. International Seed Nutrition Society, LLC was formed by individuals who are not residents of Utah. *See* Exhibit C. International Seed Nutrition Society, LLC has no members as its operating agreement was never finalized. *See* Exhibit C. International Seed Nutrition Society, LLC is a citizen of Missouri within the meaning of 28 U.S.C. § 1332.

13. The parties in this action are therefore citizens of different states, satisfying the diversity requirements under 28 U.S.C. § 1332 (a)(1).

14. Plaintiff seeks more than \$300,000 in damages. In its Prayer for Relief, Plaintiff asks for damages, "in an amount to be determined at trial, not less than \$300,000." *See* Exhibit A, at Prayer for Relief, page 19.

15. Accordingly, the actual amount in controversy exceeds the jurisdictional minimum set forth in 28 U.S.C. § 1332(a), and thus, Plaintiffs' Complaint vests this Court with jurisdiction based on 28 U.S.C. § 1332(a).

16. All defendants have consented to removal. *See* Exhibits B and C.

## **II. PROCEDURES FOR REMOVAL UNDER 28 U.S.C. §1446**

17. In Accordance with 28 U.S.C. § 1446, this Notice of Removal is accompanied by the following documents:

- Exhibit A – Complaint, Case No. 200300081 (Fourth Judicial District Court, Utah Lake County, Utah, filed June 23, 2020);
- Exhibit B – Clayton Thomas, Personalized Healthcare Solution, LLC dba Bootheel Labs, and Simply Wholeistic Inc. dba Root, Inc.’s Consent to Removal;
- Exhibit C – Christina Rahm Cook and Predicted Health Ventures, LLC’s Consent to Removal;
- Exhibit D – All other process, pleadings and orders served or attempted to be served upon defendants in the above referenced state court action;
- Exhibit E - The state court docket sheet;

18. Other than the documents attached as Exhibits A-E, no pleadings, process, orders or other documents in the case have been served or otherwise received by Susan Corbo or are presently on file in the state court and accessible by Susan Corbo.

19. Susan Corbo is serving written notification on Plaintiff’s counsel and filing a Notification of Removal, attaching a copy of this Notice of Removal, with the Clerk in the Fourth Judicial District Court, Utah County, State of Utah.

**WHEREFORE**, notice is given that this action is removed from the Fourth Judicial District Court, Utah County, State of Utah, to the United States District Court for the District of Utah.

Dated this 29<sup>th</sup> day of July, 2020.

Respectfully submitted,

/s/ Chris Martinez

Chris Martinez

Jon Williams

Attorneys for Susan Corbo

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of July, 2020, the foregoing **NOTICE OF REMOVAL** was served via U.S. mail and e-mail upon the following:

Matthew G. Grimmer  
GRIMMER DAVIS REVELLI & BALLIF, PC  
UCCU Financial Center  
3333 N. Digital Drive, Suite 460  
Lehi, Utah 84043  
mgrimmer@grimmerdavis.com

/s/ Chris Martinez